HON'BLE SRI JUSTICE ASHUTOSH MOHUNTA

WRIT PETITION No.2627 of 2006

Date: 11.11.2010

Between:

Sri Y. Devanbu

… Petitioner

and

The Principal Secretary,
Endowments Department, Government of A.P.,
Secretariat Buildings, Hyderabad and others.

… Respondents

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ORDER :

The petitioner has impugned the orders passed by the 2nd respondent-Executive Officer, Tirumala Tirupati Devasthanams, Tirupati, in Roc.No.DA2/16003/96, dated 1.8.1999, and Roc.No.B2/23909/1999, dated 11.8.2004, whereby and whereunder the appeal of the petitioner was dismissed.

2. The petitioner is an Ex-Serviceman and was appointed as a Security Guard in C.V. & S.O's Office, Tirupati, on 7.1.1994. He was served with the provisional conclusion order, dated 8.5.1996, calling upon him to show cause as to why he should not be discharged from service for furnishing bogus transfer certificate from M.P.U.P. School, Nangamangalam, Gudipala Mandal, Chittoor District. The petitioner submitted his explanation, dated 25.4.1997, stating that his father's name was Ethiraj Arul Das and 'Ethiraj' was his family name, whereas 'Arul Das' was his father's name and that the mistake seems to have crept in inadvertently in the school records, where the name of his father was mentioned as Ethiraj only.

3. The Executive Officer, Tirumala Tirupati Devasthanams, after perusing the enquiry report, found that initially the petitioner had produced his relative's transfer certificate and had stated that he had studied in P.S.U.P. School, Nangamangalam and produced another transfer certificate wherein his father's name was mentioned wrongly.

4. Both the authorities below came to the conclusion that a Government Servant, who is not qualified or eligible in terms of the Recruitment Rules for initial appointment or had furnished wrong information or produced false certificate in order to secure appointment, cannot be retained in service. Moreover, the petitioner was only a temporary servant and probationer, therefore, he was ordered to be discharged from service by proceedings, dated 1.8.1999 and the same was confirmed in the appeal by order, dated 11.8.2004.

5. The petitioner filed second appeal before respondent No.1-Government under Section 120 (ii) of A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987) and the same is still pending.

6. It has been averred by the learned counsel for the petitioner that inasmuch as the second appeal preferred by the petitioner before the 1st respondent-Government is pending for the last so many years and as no decision has been taken by the Government, the impugned orders are liable to be set aside.

7. On the other hand, learned Standing Counsel for respondent Nos.2 and 3 states that as the petitioner had already availed the remedy by filing second appeal before the Government, the same may be ordered to be

decided, expeditiously.

8. After going through the case file and also on hearing the learned Standing Counsel for respondent Nos.2 and 3, I am of the considered opinion that it would be in the fitness of things, if the appeal filed by the petitioner, which is pending before the 1st respondent-Government, is ordered to be decided, expeditiously.

9. Accordingly, the 1st respondent-Government is directed to decide the appeal filed by the petitioner on merits, within a period of three months from the date of receipt of a certified copy of this order.

10. With the aforementioned direction, the writ petition is disposed of. No order as to costs.

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JUSTICE ASHUTOSH MOHUNTA

11.11.2010.
Msr

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(Msr)